

REMARKS

This is in response to the non-final Official Action currently outstanding with regard to the above-identified application.

Claims 1-20 were pending in this application at the time of the issuance of the currently outstanding Official Action. Applicants are not proposing the amendment of any of the originally filed claims of the above-identified application by this submission. Accordingly, Claims 1-20 as originally filed constitute the claims currently under active prosecution in this application.

The claims of this application as amended are reproduced above including appropriate status identifiers for the convenience of the Examiner and completeness of the present record only pursuant to the spirit of the Rules.

More particularly, in the currently outstanding Official Action the Examiner has:

1. Acknowledged Applicants' claim for foreign priority under 35 USC §119 (a)-(d) or (f), and confirmed the receipt of the required copies of the priority documents by the United States Patent and Trademark Office;
2. Accepted the drawings filed as part of this application with this application on 23 July 2003;
3. Acknowledged the receipt and consideration of Applicants' Information Disclosure Statement filed with this application on 23 July 2003 by providing the Applicant with a copy of the Forms PTO-1449 that accompanied that Statement duly signed, dated and initialed to confirm the consideration of the art listed therein;

4. Provisionally rejected Claims 1-5, 7, 12-15, 17 and 20 on the grounds of non-statutory obviousness-type double patenting in view of co-pending US Patent Application Serial No. 10/670,674; and
5. Objected to Claims 6, 8-11, 16 and 18-19 as being dependent upon a rejected base claim, but indicated that those claims would be allowable if rewritten in independent for including all of the limitations of their respective base claims and any intervening claims.

No further comment regarding items 1-3 above is deemed to be required in these Remarks.

With respect to items 4 and 5 above, Applicants are submitting herewith a Terminal Disclaimer to Obviate Provisional Double Patenting Rejection Pursuant to 37 CFR 1.321(c). Applicants respectfully submit that the attached Terminal Disclaimer renders the Examiner's currently outstanding provisional non-statutory obviousness-type double patenting rejections in the currently outstanding Official Action moot. Accordingly, Applicants respectfully submit that Claims 1-5, 7, 12-15, 17 and 20 are now in condition for allowance. A decision so holding in response to this submission is respectfully requested.

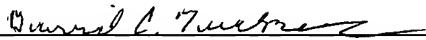
Similarly, Applicants respectfully submit that since the Examiner's rejections of Claims 1-5, 7, 12-15, 17 and 20 have been rendered moot by the Terminal Disclaimer attached hereto, Claims 6, 8-11, 16 and 18-19 are no longer dependent upon unallowable base claims. Accordingly, Applicants respectfully submit that the Examiner's objections to Claims 6, 8-11, 16 and 18-19 also now are moot in view of the attached Terminal Disclaimer. Hence, Applicants respectfully submit that Claims 6, 8-11, 16 and 18-19 also are now in condition for allowance. A decision so holding in response to this submission is respectfully requested.

Accordingly, in summary, Applicants respectfully submit that the attached Terminal Disclaimer renders all of the Examiner's rejections and/or objections in the currently outstanding Official Action moot. Hence, reconsideration and allowance of this application in view of the attached Terminal Disclaimer as explained by the foregoing Remarks in response to this communication are respectfully requested.

Applicants also believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: February 12, 2007


David A. Tucker
SIGNATURE OF PRACTITIONER

Reg. No.: 27,840

David A. Tucker
(type or print name of practitioner)
Attorney for Applicant(s)

Tel. No. (617) 517-5508

Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
P.O. Address

Customer No.: 21874

Boston, MA 02205